

Enhancing Assessment for Learning through Feedback and Self-Assessment in Law

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Abstract

Assessment is closely linked to teaching and learning and it is important that assessment be fair, valid, and reliable, promotes deep learning, transparent and moderated (Race, 2007). A clear marking criteria and feedback is crucial to this assessment process. Most educators will relate to Ecclestone's (2001) article, 'I know a 2:1 when I see it', because many believe this to be true. However, one important component is missing here – communicating this to the learner. Therefore, feedback to the learner on assessment is crucial to the effective learning process. The challenge for most educators is how to ensure that the learner in fact engages with both the marking criteria set out and the respective feedback. As a result of this engagement, the learner then improves in their overall performance and develops as an independent learner.

This paper will present a learning initiative undertaken in teaching and assessing a module, 'Criminology', on a law degree programme, the LLB (Hons) in Irish Law. Initially the goal was to ensure the learners actually engaged with the marking criteria and feedback, however, the development of learners into more independent learners and critical thinkers was also to the forefront of this initiative. This involved self-assessment on the part of the learner in order to enhance and maximise the engagement with marking criteria and related feedback. Sendziuk (2010) experimented with assessment when he chose to withhold grades so that the learners would be obliged to engage with the feedback. I conducted a similar exercise with my class involving self-assessment, and found it substantially enhanced the learning. What was novel about this initiative was the fact that detailed marking criteria and qualitative feedback was provided to each learner on their work. The learners then assessed their own work based on these criteria and feedback and were obliged to engage with same. This was followed by one-to-one feedback sessions with each learner. This teaching and learning initiative is particularly innovative in legal education. This paper will outline the initiative, explaining the background to it, the process and the findings.

Keywords

Assessment, Engagement, Teaching and Learning, Marking Criteria, Feedback, Self-Assessment, Collaboration, Enhancement, Independent Learning, Legal Education

1. Introduction and Motivation

“What and how students learn depends to a major extent on how they think they will be assessed.”

- (Biggs & Tang, 2007. P. 163)

Legal educators are heavily influenced by some unwritten rules and are quite traditional in how we approach assessment. This is largely historical and inherited; however, we are reluctant to deviate from this style too drastically, as this would be frowned upon by many in the academic and professional world. It is typical of law schools to either give learners grades without feedback or with minimal feedback. Modules in law are usually assessed by way of 100% examination. In teaching undergraduate law learners, we should not focus our assessment on what others are doing, particularly professional bodies. Traditional assessment is not appropriate for all forms of learning and one's undergraduate experience should involve a more blended and holistic approach. Recently, I have questioned assessment strategies, and while working within the given limitations, I have started to open my learners, as well as myself, to different, more formative assessment methods in a way which is both innovative and novel in how we assess law.

While undertaking some research around the area of assessment, I undertook an initiative in a module 'Criminology' in the academic year 2011-2012. This involved designing detailed, structured marking criteria and employing an innovative feedback session through self-assessment with every learner. As the module is assessed by way of two assignments, this presented the learner with an opportunity to learn from the feedback in their first assignment, to build on that learning experience and to improve on their second assignment.

The principle that teacher-provided feedback is central to student learning is well established; however, feedback in itself is redundant unless learners actually engage with it and act upon it (Gibbs & Simpson, 2004) and herewith presents the challenge for educators. Sendziuk notes that “many fail to receive adequate feedback from their teachers or peers, or make the effort to heed the advice that they do receive” (2010, p. 320). It can cause frustration, for both the learner and the educator, if the learner does not engage with and act upon feedback. As a result the workload involved in drafting feedback, as well as criteria, is often pointless. Rather than accept this of our learners and of ourselves, perhaps we can address it through enhancing the engagement through collaborative learning, utilising both marking criteria and feedback.

Inspired by Sendziuk’s experiment with assessment (Sendziuk, 2010), I chose to undertake this initiative. Sendziuk chose to withhold grades so that the learners would be obliged to engage with feedback. He provided substantial feedback (as opposed to minimal feedback, such as just underlining problematic passages). This exercise was described by Sendziuk as “extremely successful” (2010, p. 324) and he noted that “it was heartening to find that 61.6% of learners felt that the activity encouraged them to take more notice of their tutor’s written feedback than they otherwise would” (2010, p. 324). I conducted a similar exercise with my class involving self-assessment. What was novel about this initiative was the fact that detailed marking criteria and qualitative feedback was provided to each learner on their work. The learners then assessed their own work based on these criteria and feedback and were therefore obliged to engage with same. This was followed by one-to-one feedback sessions with each learner.

2. Literature Review

“Grading systems are closely related to assessment due to the fact that the latter forms the foundation of the former”, (Owe Dahlgren, Fejes, Abrandt-Dahlgren & Trowald, 2009, p. 186). In my experience there is a feeling that marking criteria is a secret to which only lecturers are allowed access. This cannot foster, and certainly is not conducive, to effective and real learning. As Ecclestone notes, “Trends towards more explicit criteria also respond to the need to communicate standards of achievement

outside close-knit academic communities” (2001, p. 302). That is why Ecclestone’s article, ‘I know a 2.1 when I see it’, appealed to me so much, as I can empathise with this common feeling: ‘You just know’, ‘it is definitely not a pass’, etc. Through working on different case studies, Ecclestone (2001) says that there is a fine balance between a genuine ability to recognise quality of work, almost intuitively, and the risk of erratic interpretation.

Marking criteria is only beneficial to students “if they can understand the criteria and are able to utilise them to translate received feedback into action” (Defeyter & McPartlin, 2007, p. 24). O’Farrell suggests that the benefits of successful feedback set in the context of learning outcomes are many. For example, “successful feedback will build confidence in the students; motivate students to improve their learning; provide students with performance improvement information; correct errors and identify strengths and weaknesses” (2009, p. 6).

Sendziuk (2010) asserts that in order to optimise the feedback process, educators also need to be aware that students are generally dissatisfied when the comments they receive lack specific advice for improvement, are difficult to interpret, or exclusively focused on the students’ shortcomings rather than acknowledging their achievements. This assertion makes sense in terms of this learning initiative as the very specific feedback was received very positively.

O’Kennedy notes that feedback can help the student to realise that they must now “think for themselves, that they are personally responsible for their study and learning and that they must come to terms with new assessment approaches” (2011, p. 1). “The role of feedback in the development of teaching and learning is widely acknowledged and relatively well documented” (Bailey & Garner, 2010, p. 187). Self-assessment forms a vital part of understanding why student feedback is indeed so important and Andrade & Valtcheva state that “The purposes of self-assessment are to identify areas of strength and weakness in one’s work in order to make improvements and promote learning. Criteria-referenced self-assessment has been shown to promote

achievement” (2009, p. 12).¹ This research would validate the initiative undertaken in the sense that, if successful, engaging with feedback and criteria through self-assessment will improve the learning and promote independent learning and critical thinking.

3. The Initiative

Written assignments are a suitable method of assessment for criminology as it is a theoretical and sociological module, which lends itself well to academic research. Criminology is assessed by way of two assignments, worth 30% and 60% respectively. The final 10% is allocated towards in-class participation.

I provided all the learners with very detailed marking criteria² and explained that we would engage in an intensive feedback session once I had corrected their first assignment. I put together detailed feedback under each criterion,³ which structurally matched that of the criteria. While I had always provided marking criteria and written feedback to my learners in assessment, in the past I had not provided as much detail and structure as this, which, unfortunately, is commonplace in legal education.⁴

I arranged to have feedback sessions whereby each learner was provided with their relevant feedback for assignment 1; however, this feedback contained **no grade**. Each learner had to actively engage with the feedback, reflect on it and award themselves a grade that they felt their work deserved, based on this detailed feedback and working within the criteria distributed to them. When they had awarded their own grade, we discussed the respective feedback at length, and I provided them with their actual grade. My grade would stand; however, it was fascinating to see how close the grades which the learners awarded themselves came to mine. The chart below shows the

¹ For further reading on ‘Self-Assessment’ see, for example Andrade, H. & Valtcheva, A. (2009) ‘Promoting Learning and Achievements through Self-Assessment’, Available at: <http://search.ebscohost.com/> (retrieved on 28/10/2012) and Willey, K. & Gardner, A. (2010) ‘Investigating the capacity of self and peer assessment activities to engage students and promote learning’, Available at: <http://search.ebscohost.com/> (retrieved on 05/11/2012).

² An example of this marking criteria can be found in Appendix 1.

³ An example of this detailed feedback can be found in Appendix 2.

⁴ An example of marking criteria provided in previous years can be found in Appendix 3.

minimal discrepancies which existed between the grade as awarded by the learner and that awarded by the lecturer:

	Grade awarded by Lecturer	Grade awarded by Learner	Disparity
Learner 1	50%	48%	- 2%
Learner 2	58%	56%	- 2%
Learner 3	59%	58%	- 1%
Learner 4 ⁵	67%	61%	- 6%

Table 2.1: Assignment 1 Results Awarded by Lecturer
& Learners through Self-Assessment

The learners' grades were incredibly close to the grades I awarded them, with an average disparity of only 1 – 2%. The learner who awarded herself 67% explained that she was sure she was within the correct category of grade, i.e. a 2.1; however, she was reluctant to be too generous and erred on the conservative side, which is common when comparing learners' self-assessment grades to lecturers' grades. Once they had awarded themselves the grades, each learner and I engaged in a one-to-one feedback session and discussed how the learner could improve in future academic work. The learners were appreciative of same and felt this exercise had been incredibly worthwhile for their learning.⁶ The graph below includes the learners' results for assignment 1, assignment 2 and the improvement, if any.

	Assignment 1	Assignment 2	Improvement?
Learner 1	50%	56%	+ 6%
Learner 2	58%	58%	-
Learner 3	59%	62%	+ 3%
Learner 4	67%	75%	+ 8%

Table 2.2: Assignment 1 Results, Assignment 2 Results and Relevant Improvements

⁵ Criminology is an elective module which had four participants only.

⁶ See learner feedback on this initiative in Appendix 4.

Seventy-five per cent of the learners improved on their first assignment and one learner by 8%. One of the learners did not improve; rather, he remained steady with the same grade for both assignments.

Interestingly, I corrected the second assignment once without the marking criteria and a week later with the marking criteria. Each time the result awarded to the learner was the same. It showed me that I may ‘know a 2.1 when I see it’; however, that is not the important point. What matters is that the learner now knows what a 2.1 is, and by knowing and understanding this, may even achieve a 1.1.

4. Learner Feedback

The feedback from the learners who partook in this learning initiative is incredibly positive and is outlined in Appendix 6 through a questionnaire answered on completion of the module. The learners found it to be a valuable exercise and felt that it presented clear direction and structure as well as identifying key areas for improvement. The learners admitted to not always taking heed of lecturers’ constructive feedback and felt this initiative ensured engagement on their part.

Overall, the learners said they would absolutely recommend that other educators undertake this or similar initiatives in the future. They felt the feedback was also much more structured due to it being listed under each criterion which assisted in their understanding. This proves that learners are willing to engage in initiatives such as self-assessment, even though it may involve more work on their behalf, if they understand the benefit to their overall learning and achievement. Not only did this enhance their learning in terms of the collaborative experience, it also, importantly, improved their overall grades.

5. The Challenge

Although this initiative enhanced the learning process for my learners, the reality is that most undergraduate programmes do not have adequate staffing to implement regular one-on-one dialogue sessions with learners. Both the learners and I were in a

privileged position to undertake this particular initiative in that the class size was small. The challenge is carrying out this, or a similar initiative, with a large class of 30 or more learners. Some suggestions to address this challenge include:

1. **Tutorials/Seminars:** A tutor could certainly carry out similar initiatives in their classes where the numbers are always smaller.
2. **Moodle, TurnItIn, GradeMark and Voice Feedback:** Turnitin's GradeMark facilitates online correction and feedback for learners. However, a feature of this has recently been launched called 'voice feedback' which will facilitate communicating verbal feedback to each learner on their work. This would certainly go a long way towards enhancing engagement with feedback as the learner would be listening to the voice of their lecturer, understanding the tone and relating to the feedback in real way. I look forward to using this in the coming academic year and undertaking related assessment initiatives in this context.

6. Conclusions and Future Work

The benefits of this learning initiative for the learner were reflected in their grades and in their feedback to me, as discussed above. My plans for the future are two-fold. First I intend to contribute to college-wide policies regarding the enhancement of assessment for learning, particularly involving collaboration and self-assessment. Second I am pursuing further research in the area of assessment for learning in higher education.

In Griffith College we teach programmes jointly between Cork and Dublin, such as the LLB (Hons) in Irish Law level eight degree programme. It is imperative, under our quality assurance regulations, that the assessment is identical in both centres, including marking criteria. This lends itself to excellent reliability in assessment between the centres for delivery. Ecclestone states that "More precise descriptions of

criteria will make assessment more amenable to moderation and standardisation between markers, thereby enhancing reliability” (2001, p. 302).

I intend to work closely with the lecturing staff at Griffith College Law School, and other departments, in developing further self-assessment learning initiatives which will enhance the learning experience for all involved. This can be carried out through various workshops, lecturer support events and one-to-one sessions. Furthermore, I have recently commenced my doctoral studies at Queens University Belfast - a Doctorate in Education. As part of my studies, and in keeping with the momentum of this initiative, I plan to undertake further research on legal education for publication.

In undertaking this learning initiative, my goal was to ensure effective engagement with both marking criteria and feedback for the learner in order to enhance the learning process for the learners. However, the outcome surpassed all my expectations. Through grading themselves based on the criteria and feedback provided, the learners not only enhanced their learning experience and boosted their achievement but also improved and developed significantly as learners. This initiative helped to promote self-regulated learning thereby fostering critical thinking and independent learning amongst the learners.

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APPENDICES

Appendix 1:

Marking Criteria for Criminology Assignment 1

Module Name				
Student Name			Student Number	
Submission Date		Assessor	Cliodhna Dineen	
Marking Criteria	Comparative analysis and research into the academic literature at the forefront of the criminological theories - 'Classicalism' and 'Positivism'	Ability to critically analyse the presence of these theories in the Irish criminal justice system	Academic structure and Presentation of paper	Further research / discussion
Criteria weighting To total 100	35	35	15	15
70 - 100%	Evidence of in-depth research into the academic literature at the forefront of the field	Evidence of mastery in relating research to the Irish criminal justice system	Advanced academic piece of work, written and structured in a clear and concise manner and referenced correctly	Excellent ability to succinctly and clearly identify and outline further research in the area
60 - 69%	Evidence of detailed research into the academic literature at the forefront of the field	Strong evidence of being able to relate research to the Irish criminal justice system	Academic piece of work, written and structured in a clear and concise manner and referenced correctly	Good ability to succinctly and clearly identify and outline further research in the area
40 - 59%	Evidence of some research into the academic literature at the forefront of the field	Some evidence of being able to relate research to the Irish criminal justice system	Reasonably well written piece of work with some structure and referenced correctly	Ability to clearly outline key topics and researchers in chosen area
>39%	Little or no research into the academic literature at the forefront of the field	Little or no evidence of being able to relate research to the Irish criminal justice system	Poorly written piece with little structure and poor referencing	No real ability to clearly outline key thinking in area
Percentage Mark				
Weighted Mark	0.00	0.00	0.00	0.00
Assessment Total	0			
Overall Comment	Type Comments here and then pull down bottom handle to show all typed text			

Appendix 2:

Sample Assignment Feedback provided to a Learner

(As part of the marking criteria/feedback session)

John,*

Your feedback will be detailed under the four headings listed in the marking scheme:
Comparative analysis and research into the academic literature at the forefront of the criminological theories - 'Classicalism' and 'Positivism':

You presented very good analysis of both theories. It was clear to see that you had a good understanding of both classicalism and positivism. Unfortunately you did not engage in any comparative analysis however, where you would directly compare and contrast the theories. Was there any overlap and where did they diverge etc.? You engaged with the direct sources but did not go any further. Overall this was good.

Ability to critically analyse the presence of these theories in the Irish criminal justice system:

Your examples were relevant and appropriate for the most part. I enjoyed your discussion on CAB and would have liked to have seen more critical analysis here. Perhaps you could have named two examples, instead of four, and done an in-depth analysis of these. However, the examples were good overall. Depth was the issue.

Academic structure and Presentation of paper:

I enjoyed the historical context you opened with; it was nice to set the scene. You were missing a proper introduction and conclusion though, and this is important going forward. Also, you did not have enough references in your text. Where did you get all the information, indirectly or directly? You would need to do a lot more research than you did for an excellent grade. This was missing from this paper. The presentation was fine and the use of headings was good. Your bibliography needs work too. Overall the structural flow made sense though.

Further research / discussion:

I really felt there was an absence of further research. This is no reflection on ability, obviously of time. While you addressed the key issues, further research would have helped you take that extra step into critical analysis and depth of discussion. I did enjoy this essay, but felt it was a bit light at times. You can work on this for your next assignment. Overall you made some very good contributions and displayed a solid understanding of the areas in question. Well done.

John took part in the 'marking criteria/feedback' session I organised. After reflecting on this feedback, John awarded himself 56%. John had in fact received 58%.

*John is a pseudonym for the relevant learner

Appendix 3:

Marking Scheme (version used in previous years)

MARKING SCHEME

Knowledge of topic and use of relevant material: **30%**

Engagement with question, structure, coherence, application of law to facts: **40%**

Range and depth of reading and research: **20%**

Quality of writing, quality of referencing and presentation: **10%**

Total: **100%**

Appendix 4:

Learner Feedback on this Initiative

Question 1: Overall, did you feel this was a valuable exercise? If yes, why?

Yes, because it gave a direction and structure to future assignments and identified key areas to improve upon

Yes, it helped to track the areas where more work would be needed. At the time of writing it's hard to see this so post mortems are helpful

Question 2: Would you recommend this exercise to other students?

Definitely - everyone learns through different mechanisms but this could benefit a large proportion as it not only provides direction for the writing but it shows more accurately where the student needs to improve

Yes, it gives an honest impression of what has been done and what could have been done

Question 3: Would you like to see other lecturers engage in similar feedback sessions?

Yes although I can understand time restraints may hamper this!

Yes, 2nd or third year, def 2nd year as this can only help to nail down a good idea of what is expected and what you need to do in future essays for the following years.

Question 4: Do you find the clear and detailed marking criteria helpful?

It gave a good referral point when doing initial research and planning the assignment. Also useful to refer back to during writing when you felt you were drifting off the point...

Yes, any help on what area you need to focus on in the topic can only help you get to where you need to be to talk about the correct aspects as you can easily drift off to other topics not relevant to the marking structure. It brings home what you need to stay focus on and how much efforts should go into certain areas to grab those marks available.

Question 5: Do you find the detailed feedback helpful?

Absolutely. Parts of it consolidated what I know already about my own writing style but knowing where to get the few extra marks to make the difference for the next assignment really helps and is something I will use to try and research, plan and direct the next one into the higher marks

Yes, it can only help to re-focus on what is needed from you. What you want to write, what you think you're expected to write can be very different so it's good to know when you're near or far.

Question 6: Will this approach to feedback be helpful for your future research?

Yes as above!

Yes, critiques are horrible but how else can you see if you're not hitting the topic you're asked. Each time you sit down to write an assignment the lessons learned before may not apply in the sense it's a new topic and the approach will differ; so feedback will help give a picture if you are improving essay by essay.

Question 7: Any further comments on this marking criteria/feedback session?

All in all a good exercise but as before for people who learn differently there may need to be another aspect to address this as they may not fully engage with the exercise. It is most certainly a worthwhile session and for those willing to engage there are great points to take away

One thing that crossed my mind this morning is as to whether, maybe just in first year, the system of proposals should be introduced for all assignments, more as a way of submitting a plan to a certain deadline, to receive feedback and then head off to write the essay. I only wondered this because writing a law essay is a higher level task than many students will have come across especially if they are school leavers and may just need a bit more direction to understand what is required of them.

It's a good way for the student to mark his / her own attempts and to see how from the lecturer's point of view the assignment looks as a whole and in part. The assignment itself will not give helpful hints on how to structure the essay so this can only be passed on by the lecturer; if the advice is not adhered to the marks will fall, so to see where the marks are lost does go to show where the next essay needs to be more attentive.

Overall Feedback received from one learner:

Many thanks for the inclusion of the feedback session last Wednesday. I felt it was of great benefit to me as the marking scheme broke down clearly the different aspects which you were looking for in the assignment and it was easy to see how marks were allocated. The fact that I was so close in my own estimation was testament to this fact. I would definitely recommend this sort of practice in the future for both students and for lecturer's to engage in as it will definitely help me in the second criminology assignment. Also your detailed feedback was much lengthier than that of other lecturer's which gave me a better insight into what you found good about my essay and also areas which I could improve on, which would help me to improve in the future.